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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,043

10/22/2003

William R. Hodson

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6432

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EXAMINER

BONURA, TIMOTHY M

ART UNIT

PAPER NUMBER

2114

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/26/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/692,043	Applicant(s) HODSON, WILLIAM R.	
	Examiner Tim Bonura	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7 and 9 is/are rejected.
- 7) ☒ Claim(s) 3,5,8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- **Claims 1, 2, 4, 6, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Thoren, U.S. Patent Application Publication Number 2006/0053218.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 6, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Thoren, U.S. Patent Application Publication Number 2006/0053218.

3. Regarding claim 1:

- a. Regarding the limitation of "detecting a group of said parameter write messages that occur closer together than operator initiated parameter write messages," Thoren discloses a system wherein data transfer over a field bus, such as a Fieldbus, (Paragraph 0006), can have a limited data transfer rates. The system as problems receive mass amount of data being sent from a computer system to the field device. (Paragraphs 0016-0018).

- b. Regarding the limitation of "suppressing a communication of errors arising from said group of parameter write messages or a rejection of a parameter write operation, wherein said rejection results from any of said errors arising from said group of parameter write messages," Thoren discloses a system wherein error thresholds are

suppressed by data transfer manipulation for specific time spans of data transfers.

(Paragraph 0018).

4. Regarding claim 2, Thoren discloses a system wherein if a data transfer is not completed within a specific time span, due to large amounts of data being transferred to the field device, the steps are repeated until all the data is transferred and is consistent with the device specification. (Lines 0035).

5. Regarding claim 4, Thoren disclose a system in which the data received on the field device is checked to make sure it is up to the specification of the system and an error will occur if the data does not meet the requirements. (Paragraph 0035).

6. Regarding claim 6:

c. Regarding the limitation of "detecting a group of said parameter write messages that occur closer together than operator initiated parameter write messages," Thoren discloses a system wherein data transfer over a field bus, such as a Fieldbus, (Paragraph 0006), can have a limited data transfer rates. The system as problems receive mass amount of data being sent from a computer system to the field device. (Paragraphs 0016-0018).

d. Regarding the limitation of "suppressing a communication of errors arising from said group of parameter write messages or a rejection of a parameter write operation, wherein said rejection results from any of said errors arising from said group of parameter write messages," Thoren discloses a system wherein error thresholds are suppressed by data transfer manipulation for specific time spans of data transfers. (Paragraph 0018).

7. Regarding claim 7, Thoren discloses a system wherein if a data transfer is not completed within a specific time span, due to large amounts of data being transferred to the field

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device, the steps are repeated until all the data is transferred and is consistent with the device specification. (Lines 0035).

8. Regarding claim 9, Thoren disclose a system in which the data received on the field device is checked to make sure it is up to the specification of the system and an error will occur if the data does not meet the requirements. (Paragraph 0035).

Allowable Subject Matter

9. Claims 3, 5, 8, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 10/06/2006 have been fully considered but they are not persuasive.

11. Regarding the arguments for claims 1 and 6, the applicant argues that the prior art of record does not disclose the limitation of "detecting a group of said parameter write messages that occur closer together than operator initiated parameter write messages." Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner would like to point out to the applicant that at no time in the response to the non-final office action does the applicant state how the claimed invention is indeed different from the prior art. The examiner's interpretation of the claims leads to the conclusion that the prior art of record reads on the claims as stated. The applicant makes no attempt to differentiate the claims from the prior art. The applicant simply states the examiner is wrong in his rejection with out point to specific differences between the prior art and the application. Hereby, the rejection is maintained.

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12. The applicant further argues none of the Examiner cited paragraphs discloses or teaches "a parameter write message" for a Fieldbus device. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

13. The applicant further argues, "Thoren's paragraph [0018] or any other part of Thoren does not describe or teach, "a parameter write operation" as recited in the suppressing step. Therefore, Thoren lacks the suppressing step recited in independent claims 1 and 6." Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.

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- The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
- The examiner can be reached at: **571-272-3654**.

17. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Scott Baderman**.

- The supervisor can be reached on **571-272-3644**.

18. The fax phone numbers for the organization where this application or proceeding is assigned are:

- **703-872-9306 for all patent related correspondence by FAX.**

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **571-272-2100**.

21. Responses should be mailed to:

- **Commissioner of Patents and Trademarks**

P.O. Box 1450

Alexandria, VA 22313-1450

tmb
December 20, 2006


SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER